S.B. Civil Misc. Application No.87/2006
IN
S.B.Civil Second Appeal No.96/2001

Smt. Gurdayal Kaur and ors. vs. Natha Singh and ors.

Date : 28.11.2006

HON'BLE MR. PRAKASH TATIA, J.

None present for the applicants.

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None appeared for the applicants even in second round in a matter where the regular second appeal was dismissed by this Court as abated by order dated 6.5.2004.

As per the record of S.B.Civil Second Appeal No.96/2001, the appellant's counsel himself informed that the sole appellant has expired and this statement was given on 21.3.2002. Thereafter, time was sought for taking steps on 15.4.2002, 23.1.2003, 13.2.2003, 7.3.2003 and 9.7.2003. On 4.8.2003, learned counsel for the appellant informed that the application for setting aside of the abatement has been filed. Office reported on 7.8.2003 that no such application has been filed.

Again on 2.12.2003, learned counsel for the appellant informed that he has filed the application for setting aside of the abatement and office reported

that no such application has been filed till 6.12.2003. On 28.4.2004, it is reported that no application for setting aside of the abatement has been filed, therefore, on 6.5.2004, the appeal was dismissed as abated.

Now, the applicants have filed this application under Order 22 Rule 9 CPC for setting aside of the abatement.

In the facts mentioned above, it appears that the applicants have lost their interest in the second appeal as well as this application.

Accordingly, this application for setting aside of the abatement is dismissed in default.

(PRAKASH TATIA), J.

S.Phophaliya